

July 13, 1992

Mr. James S. Stites  
Chief, Gas Department  
State of South Carolina  
The Public Service Commission  
P. O. Drawer 11649  
Columbia, SC 29211

Dear Mr. Stites:

I am responding to your two letters of May 29, 1992, and letter of June 1, 1992, to George W. Tenley, Jr., regarding the standards in 49 CFR 193.2005, 193.2057, and 193.2071. I have addressed each of your concerns below.

First, you asked if the installation of an auxiliary vaporizer would cause an LNG facility to lose its grandfather status under ?193.2005. From your letter, I believe this question concerns the grandfather status of an entire LNG plant, not just a facility in the plant. However, because ?193.2005 applies to individual LNG facilities within plants, my response pertains to any grandfathered LNG facility that exists within the plant in question.

An LNG facility's grandfather status under ?193.2005(a) is subject to ?193.2005(b). This latter regulation provides that Part 193 standards governing siting, design, installation, and construction apply (with certain exceptions) to grandfathered LNG facilities that are replaced, relocated, or significantly altered. Thus if a grandfathered LNG facility at the LNG plant in question is replaced, relocated, or significantly altered to accommodate installation of the vaporizer, that particular facility would lose its grandfather status to the extent prescribed by ?193.2005(b). In contrast, those grandfathered LNG facilities at the LNG plant that are not replaced, relocated, or significantly altered are not covered by ?193.2005(b), and would retain their grandfather status.

Second, you asked whether a parcel of land used to grow Christmas trees would come under the 1600 Btu/ft<sup>2</sup> hr. incident flux limitation of ?193.2057(d) if the parcel were occupied by 20 or more people when the trees are ready for sale. Section 193.2057(d) applies to "outdoor areas occupied by 20 or more persons during normal use, such as beaches, playgrounds, outdoor theaters, other recreation areas or other places of public assembly." Normal use is the routine or usual use of the area.

For the parcel in question, growing trees appears to be the normal use. It is the activity that will occur most of the item, with sales occurring only a short period before Christmas. Thus,

2

the parcel would not be subject to the 1600 Btu/ft<sup>2</sup>.hr. incident flux limitation, provided 20 or more people do not routinely occupy the parcel outside the sales period.

Finally, you asked what steps are necessary to comply with ?193.2071. Generally stated, this section requires operators to locate LNG facilities where they would not be adversely affected by adjacent activities. Because operators must determine the present and reasonably foreseeable adjacent activities that could have an adverse effect, the key to compliance lies in the definition of "determine" under ?193.2007. "Determine" means make an appropriate investigation using scientific methods, reach a decision based on sound engineering judgment, and be able to demonstrate the basis of the decision. A determination under ?193.2071(a) would involve investigating current and foreseeable land uses surrounding the LNG facility, and applying sound engineering judgment to decide whether those uses could adversely affect the facility in the ways stated in ?193.2071(b).

I hope you find this response satisfactory. Just call me if you need any further clarification.

Sincerely,

Cesar De Leon  
Director, Regulatory Programs  
Office of Pipeline Safety